



Fw: LDR regulatory question

Dave Bartus to: Elaine Eby

02/13/2012 11:43 AM

Elaine: We just finished a short briefing for both our regional RCRA and CERCLA office directors concerning the Hanford in-trench treatment issue. In very general terms, we are all in agreement that authorized state permitting of this practice is not acceptable. However, we recognized that there are some very legitimate technical practicability and risk balancing issues that still need to be sorted out for managing the wide range of wastes that are generated at Hanford. In acknowledging these issues, we feel that they are best addressed through CERCLA, which has at least some waiver tools that can be applied, unlike RCRA.

From our regional discussions, we did identify a couple of follow-up points where we would appreciate your/HQ input.

1) Currently, the Hanford CERCLA landfill (ERDF) has adopted the practice of casting a concrete pad on the operations layer of the landfill, followed by placement of untreated debris to be treated on the pad, construction of forms around the debris, then pouring grout within the forms on the concrete pad. The entire monolith remains where placed. The regulatory basis for this practice, such as it is, is that the wastes are not being "placed on the land" and thus does not constitute land placement. Our view is that the concrete pad on which the wastes are placed is indistinguishable from the landfill itself, especially considering that both the pad, the wastes, and the grout are not moved following treatment. We wanted to verify that the concrete pad, used on a one-time-basis as described above, does not separately constitute a non-land-based waste management unit, and is in fact an integral part of the landfill itself.

In our discussions, mention was made of a similar practice being conducted at Energy Solutions in Utah - I'll try to do some follow-up, but even if this practice is occurring in Utah, I'm pretty skeptical that Utah would have come up with a defensible regulatory basis for such an approval.

Doing some additional research this morning, I came across a RCRAOnline entry (9554.1989(02) which made some very interesting points. The specific question responded to in this document is placement of stabilized waste, where treatment occurred outside of a landfill, into the landfill prior to the usual 28-day curing period for Portland-cement-based stabilizing agents. The EPA response was quite clear that LDR treatment standards must be met prior to placement in a land disposal unit. The EPA response also raised the point that stabilizing agents may not fully reduce the mobility of hazardous constituents until fully cured, although the letter did leave the door open to the facility (Envirosafe) to provide data supporting the effectiveness of stabilization prior to full cure of cement. This consideration seems to speak even more strongly to conducting treatment in a trench via stabilization.

2) At least at Hanford, there are probably some instances where there are no practical alternative to placement of debris directly in a landfill prior to treatment, although it is not clear to what extent such debris are RCRA-regulated and subject to LDR treatment standards. What might be the likelihood of EPA entertaining a rule-making proposal to provide an LDR "carve-out" of some sort exception from LDR treatment standards for "exceptional" wastes at Department of Energy mixed waste sites, or a mechanism to balance the risks (such as additional radiation exposure to workers) of size-reduction which may be necessary to allow debris wastes to be treated prior to placement in a landfill with the potential risks of treatment following land disposal. I'm not at all recommending this option, but given the lack of additional RCRA "tools," this is about the only option I can think to address these questions at RCRA/authorized state-permitted mixed waste disposal units. Further, I'm not aware of any prospective inventory analysis available to EPA or Washington State Department of Ecology characterizing future waste streams where these issues may arise.

As always, we're very appreciative of your input and support on these issues.

Dave

----- Forwarded by Dave Bartus/R10/USEPA/US on 02/13/2012 11:17 AM -----

From: Dave Bartus/R10/USEPA/US
To: Elaine Eby/DC/USEPA/US@EPA
Date: 02/09/2012 01:49 PM
Subject: Re: Fw: LDR regulatory question

Thanks, Elaine. From what I know of the wastes going into the Hanford mixed waste disposal trenches/landfills, we probably don't run into "mixtures" of remediation waste and as-generated waste. That is much more likely to happen at the Hanford CERCLA landfill, the Environmental Restoration Disposal Facility (ERDF). ERDF handles mega-site quantities of contaminated soils and demolition debris - the issue of in-trench treatment, though, definitely affects treatment and disposal of debris generated from CERCLA work at Hanford. But, as far as I know, at the mixed waste trenches, remediation waste and as-generated wastes are separate waste streams, both of which are disposed of in the same unit.

At this point, your re-send of your original e-mail is exactly what I was looking for. We will be briefing our office director Monday on this issue to arrive at (I hope) a final position that we can convey to the state in our oversight of their permitting work. Right now, our problem is that draft permit language that the state is developing explicitly authorizes in-trench treatment. So far, the state is pretty defensive of their position, our input and that of NEIC notwithstanding. If there are follow-up issues or questions following the management-level discussions where further HQ involvement may be appropriate, I'll definitely let you know.

Dave

Elaine Eby	Dave- So if it's both new and remediation waste I...	02/09/2012 12:51:08 PM
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From: Elaine Eby/DC/USEPA/US
To: Dave Bartus/R10/USEPA/US@EPA
Date: 02/09/2012 12:51 PM
Subject: Re: Fw: LDR regulatory question

Dave-

So if it's both new and remediation waste I would say that you can't treat in the trench. Kindof the ssame principle as the mixture rule. Is this response even on point?
Please let me know if you would like to re-convene the group and have another call.
Elaine

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Dave Bartus	Thanks, Elaine. I recalled our earlier conversati...	02/09/2012 12:15:19 PM
Elaine Eby	Hi Dave- Got your message and apologize that I...	02/09/2012 05:44:47 AM
Dave Bartus	Elaine: Region 10 has been dealing with an issu...	05/31/2011 11:38:44 AM